

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVN. APPLICATION NO.488 OF 2003

Arun Bhalchandra Patil ... Applicant

versus

Arun Narsingh Gharat & ors. ... Respondents

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Mr.Vishwanath Talkute, for the Applicant.

Ms.P.H. Kantharia, A.P.P., for the Respondent
State.

...

CORAM : A.M.KHANWILKAR, J.

1st March 2005

P.C.:

. Heard Counsel for the Applicant at length. It was vehemently argued that the Court below has committed manifest error in discarding all the prosecution witnesses as partisan witnesses on the sole reasoning that the accused party and the prosecution witnesses belong to rival political groups. However, I find no

substance in this submission. In my opinion, the Court has analysed the entire evidence in its proper perspective and then proceeded to observe that the case as made out by the prosecution seems to be unacceptable. That left the Applicant to rely on the evidence of Subhash Gopale, P.W.6, who was a public servant. Insofar as his evidence is concerned, the Court below has considered the same and noted the deficiencies as can be seen from the discussion in para 14 of the judgment. The Court has discarded his evidence as it found that his evidence was not sufficient to proceed against the accused. In other words, the view taken by the lower Court is a possible view and if the conclusion so reached by the lower Court cannot be interfered with, in view of the limited jurisdiction, which I am called upon to exercise, namely, revisional jurisdiction, no interference is warranted against the order of acquittal. It is well-settled that the superior Court should be slow in the matters against acquittal. Hence, dismissed.

(A.M.KHANWILKAR, J.)